



07 MAR 2006

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# 5

Intervet Inc.  
Patent Department  
P.O. Box 318  
Millsboro, DE 19966-0318

In re Application of	:	
HURON et al.	:	
U.S. Application No.: 10/524,242	:	
PCT No.: PCT/US03/25358	:	DECISION ON PETITION
Int. Filing Date: 13 August 2003	:	UNDER 37 CFR 1.47(a)
Priority Date: 13 August 2002	:	
Attorney Docket No.: I-2002.022 US	:	
For: NOVEL COMPOSITIONS AND	:	
PROCESSES FOR DELIVERING AN	:	
ADDITIVE	:	

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 29 November 2005 to accept the application without the signature of joint inventor, Mark Pieloch.

### BACKGROUND

On 13 August 2003, applicants filed international application PCT/US03/25358 which claimed a priority date of 13 August 2002. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 February 2005.

On 10 February 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; and a Petition under 37 CFR 1.47(a). In a decision dated 29 September 2005, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 29 November 2005, applicants filed the present renewed petition under 37 CFR 1.47(a).

### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor.

Concerning item (1), the requisite petition fee has been submitted.

A review of the present petition reveals that applicants have satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Mark Pieloch. The steps taken are sufficient to show that Mark Pieloch has refused to execute the application.

Regarding item (3) above, a statement of the last known address of the non-signing inventor has been provided.

As to item (4), the declaration filed on 29 November 2005 is in compliance with 37 CFR 1.497.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

### CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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In re Application of  
HURON et al.  
U.S. Application No.: 10/524,242  
PCT No.: PCT/US03/25358  
Int. Filing Date: 13 August 2003  
Priority Date: 13 August 2002  
Attorney Docket No.: I-2002.022 US  
For: NOVEL COMPOSITIONS AND PROCESSES FOR DELIVERING AN ADDITIVE

Dear Mark Pieloch:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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